

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ATROPIN PALMER,	:	NO. 1:14-CV-00805
	:	
Plaintiff,	:	
	:	ORDER
v.	:	
	:	
WARDEN, WARREN CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's November 3, 2014 Report and Recommendation (doc. 4). No Objection has been filed.

Proper notice was provided to the Parties under Title 28 U.S.C. § 636(b)(1)(C), including the notice that they would waive further appeal if they failed to file an objection to the Magistrate Judge's Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Having reviewed this matter de novo, pursuant to Title 28 U.S.C. § 636, the Court concludes the Magistrate Judge's Report and Recommendation is correct that Petitioner's Complaint fails to state a claim upon which relief may be granted pursuant to 42 U.S.C. § 1983. Accordingly, the Court ADOPTS and AFFIRMS the Report and Recommendation in all respects (doc. 4), and DISMISSES this matter from the Court's docket. The Court further CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that with respect to any

application by Petitioner to proceed on appeal in forma pauperis, an appeal of this Order would not be taken in "good faith" and therefore the Court DENIES Petitioner leave to appeal in forma pauperis upon a showing of financial necessity. Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

SO ORDERED.

Dated: December 4, 2014

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge